REMARKS

Applicants' undersigned attorney thanks the Examiner for his comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the following remarks. Currently, Claims 1-24 are pending.

Claim Rejections - 35 U.S.C. §103

The rejection of Claims 1-24 under 35 U.S.C. §103(a) as being unpatentable over the admitted prior art in view of Japanese Patent 9-131,364 (hereinafter "Japanese Patent '364") and Westphal et al. (U.S. Patent No. 4,739,910) is respectfully traversed, particularly in view of the following remarks.

To establish a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

The "admitted prior art" refers to certain automated processes in which side panels are mechanically, or pneumatically, tucked into garments along a conveyor prior to the garments reaching a stacking or accumulation device, some of which processes use a vacuum applied at the *center* of the garment chassis to hold garments on a conveyor. However, some of the shortcomings of the admitted prior art include a lack of vacuum forces along the sides or edges of the chassis, and inconsistency in the location of the side panel folds, which results in creased fasteners. As stated in the present application at page 4, lines 6-8, in view of the admitted prior art, there is a need or desire for a method of tucking side panels in which the location of the side folds can be controlled and the occurrence of damaged or creased fastening components can be reduced or eliminated. The method of Applicants' Claims 1-24 provides such a method.

The admitted prior art lacks the ability to create longitudinal folds in a garment along outer longitudinal edges of vacuum zones. Instead, when vacuum is used in the admitted prior art, the vacuum is applied effectively only at the center of the chassis. Consequently, the location of the mechanical blades or other tucking devices is relied upon to control the location of the resulting folds. Thus, the admitted

prior art fails to disclose or suggest a process in which vacuum zones have sufficient vacuum along outer longitudinal edges of the vacuum zones to create longitudinal folds in a garment along the outer longitudinal edges of the vacuum zones.

Neither Japanese Patent '364 nor Westphal et al. discloses or suggests a process for tucking ***refastenable*** side seams into a garment. As explained in the present application, garments having refastenable side seams require additional care in a tucking process in order to avoid causing creases in the fasteners. One technique for preventing fastener creases involves applying a vacuum along the desired location of the longitudinal folds in the garment, such that the folds are created by pushing the refastenable side seams into the body portion of the garment while the vacuum force is holding the body portion on the conveyor, as recited in Applicants' Claims 1 and 13. Consequently, the longitudinal folds in the garment are aligned with outer longitudinal edges of the vacuum zone. This method allows the location of the longitudinal folds to be controlled simply by controlling the location of the outer longitudinal edges of the vacuum zone.

Japanese Patent '364 discloses a device and method for folding a pants type disposable diaper wherein a pants type disposable diaper is positioned between upper and lower conveyor belts. Japanese Patent '364 discusses the drawbacks of vacuum devices in folding methods, thereby teaching away from the use of vacuum devices. Thus, in Japanese Patent '364, in lieu of vacuum devices, the upper and lower conveyor belts have a surface covered in Velcro®-type material that becomes entangled with the nonwoven fabric fiber of the disposable diaper to hold the disposable diaper in place during a tucking operation (paragraphs 14 and 25).

Japanese Patent '364 fails to disclose or suggest a process in which vacuum zones having sufficient vacuum along outer longitudinal edges of the vacuum zones are used to create longitudinal folds in a garment along the outer longitudinal edges of the vacuum zones. Furthermore, not even the Velcro®-covered upper and lower conveyor belts maintain the garment in place in such a way as to create longitudinal folds in the garment along the outer longitudinal edges of the Velcro®-covered upper and/or lower conveyor belts. As illustrated in Figs. 2-6 of Japanese Patent '364, the upper and lower conveyor belts maintain the garment on a centrally

positioned belt 10/15 (or belts 19/21 as in Figs. 4 and 5) during the tucking stage, and after the tucking stage, the garment is passed to a pair of conveyor belts 12/17 located on opposite longitudinal sides of the central conveyor belt 10/15. The longitudinal edges of the garment along which the folds are located necessarily extend past the longitudinal edges of the central conveyor belt 10/15 in order to adhere to the pair of conveyor belts 12/17 located on opposite longitudinal sides of the central conveyor belt 10/15 following the tucking stage.

Westphal et al. also fail to disclose or suggest a process in which vacuum zones having sufficient vacuum along outer longitudinal edges of the vacuum zones are used to create longitudinal folds in a garment along the outer longitudinal edges of the vacuum zones. Instead, in the method of Westphal et al., a pant garment is conveyed sideways between a pair of conveyor belt assemblies each in combination with a suction system. Thus, the longitudinal folds in the garment are perpendicular to the outer longitudinal edges of the suction zones. Furthermore, in the method of Westphal et al. the tucking takes place after the garment leaves the suction zones.

Additional shortcomings of the cited references include the failure of both Japanese Patent '364 and Westphal et al. to disclose or suggest pushing opposing side panels into a body portion of a garment toward one another while, *at the same time*, opposing vacuum forces are holding apart the front region of the body portion from the back region of the body portion. Furthermore, in the method of Westphal et al., garments proceed along the conveyor assemblies with the garments arranged perpendicular to the direction in which the garments in the present invention proceed along a conveyor. Because the garments in Westphal et al. are in a completely different orientation than the garments in both Japanese Patent '364 and the method of the present invention, the steps and limitations of the inventions necessarily differ from one another, with one of the differences being that the garments in Westphal et al. are removed from the conveyor and suction systems prior to pushing in the side portions of the garments.

The only specific example in Japanese Patent '364 of a folding process using a vacuum device is that of the Westphal patent (paragraph 3). Thus, Japanese Patent '364 is essentially a combination of the two references, yet the Japanese Patent

'364 reference fails to disclose or suggest Applicants' claimed invention. More particularly, Japanese Patent '364 explicitly teaches away from the use of the vacuum devices of Westphal et al., thereby reinforcing the unlikelihood of a person skilled in the art being motivated to combine the teachings of Japanese Patent '364 and Westphal et al.

Because each of the cited references fails to disclose or suggest a process for tucking a pair of refastenable side seams into a body portion of a garment in which vacuum zones having sufficient vacuum along outer longitudinal edges of the vacuum zones are used to create longitudinal folds in the garment along the outer longitudinal edges of the vacuum zones, there is no suggestion or motivation to modify and/or combine the teachings of any of these references to achieve Applicants' claimed invention.

For at least the reasons given above, Applicants respectfully submit that the teachings of the admitted prior art in view of Japanese Patent '364 and Westphal et al. fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Double Patenting Rejection

The provisional rejection of Claims 1-24 under the judicially created doctrine of obviousness-type double patenting over claims 1-19 of copending U.S. Application No. 09/967,024 in view of the admitted prior art and Japanese Patent 9-131,364 is respectfully traversed in view of the Terminal Disclaimer filed herewith.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Serial No. 09/966,793 Docket No.: KCC-16,794

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,

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